

REMARKS

Claims 37-62 were pending in this application. No claims were added, amended, or cancelled. Hence, claims 37-62 remain pending in this application.

No new matter was added.

Claim Rejections Under 35 U.S.C. § 103(a)

Independent claims 37-38 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of U.S. Patent Nos. 6,409,602 to Wiltshire et al. ("Wiltshire") and 6,580,710 to Paravia et al. ("Paravia"). The Examiner states that Wiltshire discloses each element of these claims except for the provision of personal identification information to the gaming sites via the remote terminal. The Examiner contends, however, that Paravia teaches this aspect of the invention, and that it would have been obvious to combine Wiltshire and Paravia to arrive at the claimed invention.

Claims 39-62 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Wiltshire and U.S. Patent No. 6,001,016 to Walker ("Walker"). With respect to independent claims 39, 52, and 62, the Examiner states that Wiltshire discloses each element of these claims except for the collection of outcome data from the gaming machines located in the gaming establishment. The Examiner contends, nevertheless, that Walker teaches this aspect of the invention, and that it would have been obvious to combine Wiltshire and Walker to arrive at the claimed invention.

Applicant respectfully traverses these rejections on the basis that, even if there is motivation to combine the above references (which there is not), significant claim features and limitations are still missing from the proposed combinations.

Arguments in Support of the Claims

Applicant's invention, as recited in amended independent claims 37-39, 52, and 62, is directed to a remote gaming method, and a computer therefor, where players at gaming terminals located outside a gaming establishment may play gaming machines located inside the gaming establishment. Outcome data is randomly generated by each gaming machine of the "plurality

of gaming machines”. In this regard, the remote gaming method (and computer therefor) of the claimed invention may be considered to be decentralized.

Wiltshire’s video gaming system, on the other hand, is centralized. In Wiltshire, a central server/host computer executing a gaming program provides all the wagering game content to a plurality of client/terminal computers. *See, e.g., col. 2, lines 35-44*. Nowhere does Wiltshire (or any other art of record) disclose or suggest a remote gaming method (or computer therefor) involving a plurality of gaming machines, as recited in the claimed invention.

Because of the defects in Wiltshire, the Examiner has resorted to the concept of a **functional equivalent** to reject the claims. In a previous communication, Applicant explained that a functional equivalent must be recognized in the prior art. This recognition must **NOT** be the Examiner’s own recognition, but must instead be found in the prior art. *See MPEP 2144.06*. In other words, Wiltshire or another prior art reference of record must state that a centralized video gaming system (i.e., a system where all the gaming content are provided by a single computer) is functionally equivalent to a decentralized gaming system (i.e., a system where each gaming machine provides its own gaming content).

The Examiner has responded by referring to statement from Wiltshire’s background: “Since a physical embodiment of various games have been re-implement (sic) into microcomputer-based video gaming stations for the last 20 years (Wiltshire-background), it is obvious to a person of ordinary skill in the art would (sic) recognize that gaming machine can be re-implemented into a video gaming system, ...” *Office Action, page 9, lines 5-8*.

Exactly how the above statement supports the Examiner’s functional equivalency position is unclear to Applicant. The use of the term “microcomputer-based” to differentiate the games from the past necessarily means that those games are **NOT** microcomputer-based (i.e., those games used real dice, cards, wheels, etc.). However, Applicant’s gaming machines **ARE** microcomputer-based. Therefore, to the extent the Examiner compares Applicant’s gaming machines to non-microcomputer-based games from the past, the comparison is flawed. Accordingly, Applicant respectfully submits that the Examiner has still failed to meet the standard for raising a functionally equivalent rejection.

As demonstrated above, Wiltshire’s comment regarding the games from the past has, at best, a neutral effect on Applicant’s remote gaming method (and computer therefor).

Wiltshire's other comments, however, clearly distinguish a centralized video gaming system from Applicant's decentralized gaming method (and computer therefor):

However, in all of these non-website-based systems the gaming program is executed in whole or in part on the individual gaming station. As a result, each gaming station becomes expensive to manufacture. Because the physical structure of the gaming station is designed to accommodate a particular game, multiple gaming stations require additional hardware and, therefore, further increase the cost of a cluster of these stations.

In addition, since the games are executed on individual gaming stations, modifications and upgrades to the gaming programs require access to the individual gaming stations, which renders the gaming stations inaccessible to the patron during the modification and/or upgrade process.

Wiltshire, col. 2, lines 6-18.

As can be seen, Wiltshire plainly teaches that a centralized video gaming system is far superior to gaming systems in which the gaming program is executed on the individual gaming station, as in the case of Applicant's gaming method (and computer therefor). Having clearly taught away from decentralized gaming systems, Applicant respectfully submits that Wiltshire cannot now be used to support a completely contrary position, as urged by the Examiner.

Moreover, there are significant advantages to Applicant's gaming method (and computer therefor) that are not available in Wiltshire (or any other art of record). For example, players who favor a specific gaming machine at the gaming establishment would be able to select/play that very same gaming machine (i.e., same floor location, same bank, same cabinet, same processor, etc.) from their home. *See, e.g., claim 39.* Thus, consider a person from Southern California who has just returned from a Las Vegas gaming establishment where he/she especially enjoyed playing one particular gaming machine from amongst a plurality gaming machines. With the claimed gaming method (and computer therefor), the person can go online and select/play the very same gaming machine he/she enjoyed playing in the Las Vegas gaming establishment.

In addition, as the Examiner is no doubt aware, many players of wagering games believe strongly in luck and are often sentimental or superstitious about a certain gaming machine. Oftentimes, these players will return to the same physical gaming machine, believing that doing so will bring them luck. Moreover, players frequently trade stories and rumors with each other about certain gaming machines that have performed particularly well (or not so well). With applicant's gaming method (and computer therefor), these players have the option of going

home and remotely selecting/playing the very same gaming machine that is the object of the sentiments, superstitions, or rumors. Such an option is not available with the centralized gaming system of Wiltshire.

Accordingly, based on the foregoing, even if there is motivation to combine Wiltshire with Paravia and/or Walker in the manner urged by the Examiner, the resulting combination would still not produce the claimed invention. Therefore, withdrawal of the rejections against independent claims 37-39, 52, and 62 is respectfully requested.


As for dependent claims 40-51 and 53-61, although they may recite independently allowable subject matter, these claims depend from the independent claims and are therefore allowable for at least the same reasons. Accordingly, withdrawal of the rejections against the dependent claims is also respectfully requested.

CONCLUSION

In view of the above, Applicant believes each of the presently pending claims in this application is believed to be in immediate condition for allowance.

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APPENDIX

Claims 1-36. (Cancelled)

37. (Previously Presented) A remote gaming method comprising:
accessing, via a remote terminal, a gaming site on a global computer network connected to said remote terminal;
providing, via said remote terminal, personal identification information to said gaming site;
selecting, via said remote terminal, a game of chance from a plurality of gaming machines located at a gaming establishment for remote play, said remote terminal being located outside said gaming establishment;
placing, via said remote terminal, a wager for playing said selected game; and
receiving randomly-generated text or graphical outcome data at said remote terminal for said selected game, said outcome data being generated by one of said plurality of gaming machines at said gaming establishment and relayed to said gaming site through a gaming server connected to said gaming site.
38. (Previously Presented) A remote gaming method using a gaming server, a remote terminal, and a gaming site on a global computer network, said gaming server being located at a gaming establishment, said remote terminal being located outside said gaming establishment, said gaming site being provided on said global computer network, the method comprising:
receiving, at said gaming server, personal identification information, game selection information, and wager information from a player accessing said gaming site via said remote terminal, said remote terminal being connected to said global computer network;
randomly generating outcome data at one of a plurality of gaming machines communicatively coupled to said gaming server, said outcome data being generated for a game selected according to said game selection information, said plurality of gaming machines being located at said gaming establishment;
receiving said outcome data at said gaming server; and
transmitting said outcome data from said gaming server to said gaming site for display to said player on said remote terminal in text or graphical form.

39. (Previously Presented) A method for playing a gaming machine located inside a gaming establishment from a remote terminal located outside the gaming establishment comprising:

establishing a communication link between said remote terminal and a gaming site on a global computer network, said gaming site in communication with a gaming server for collecting outcome data from gaming machines located inside the gaming establishment;

selecting a gaming machine at said gaming establishment using said remote terminal;

making a wager to play the selected gaming machine;

receiving outcome data, including game outcome, at said remote terminal resulting from a play of said gaming machine; and

generating a payout if said game outcome meets predetermined criteria.

40. (Previously Presented) The method of claim 39 wherein said outcome data comprises information identifying the value of said payout; and further comprising the step of using said payout information to simulate a display of said game outcome at said remote location.

41. (Previously Presented) The method of claim 39 further comprising using said outcome data to simulate a display of said game outcome on said remote terminal.

42. (Previously Presented) The method of claim 39, wherein said selected gaming machine comprises a slot machine and wherein said game outcome data includes a reel position.

43. (Previously Presented) The method of claim 39 wherein said selected gaming machine comprises a video poker machine including a display for displaying a poker hand.

44. (Previously Presented) The method of claim 39 wherein said step of receiving outcome data includes receiving outcome data from a plurality of gaming machines for remote play.

45. (Previously Presented) The method of claim 44 wherein said step of receiving outcome data includes receiving a gaming machine identifier.

46. (Previously Presented) The method of claim 44 wherein said step of receiving outcome data includes receiving a gaming machine type.

47. (Previously Presented) The method of claim 44 wherein said step of receiving outcome data includes receiving player preferences.

48. (Previously Presented) The method of claim 39 wherein said selected gaming machine comprises a slot machine and wherein said game outcome comprises information identifying a reel position of said gaming machine; and further comprising the step of using said outcome information to display said reel position on said remote terminal.

49. (Previously Presented) The method of claim 39 and further including the steps of receiving a player identifier; and transmitting said player identifier for identification of said player.

50. (Previously Presented) The method of claim 39 wherein said game outcome results from the server initiating game play on the selected gaming machine.

51. (Previously Presented) The method of claim 39 wherein said game outcome results from the manual game play on the selected gaming machine.

52. (Previously Presented) A remote computer for the remote play of a local gaming machine located within a gaming establishment and connected to a gaming server, the remote computer being located outside said gaming establishment, said remote computer connected to a gaming site through a global computing network served by said gaming server, said remote computer comprising:

a microprocessor;

memory connected to said microprocessor and including instructions for controlling said microprocessor; and

said microprocessor being operative with said instructions in said memory to:

receive information identifying a plurality of local gaming machines located within said gaming establishment from a gaming server;

transmit data selecting of at least one said plurality of local gaming machines for remote play;

receive a text or graphical outcome resulting from a local play of each said selected local gaming machine; and

generate a payout if said outcome meets predetermined criteria.

53. (Previously Presented) The remote computer of claim 52 wherein said selected gaming machine comprises a slot machine and wherein said outcome includes a reel position.

54. (Previously Presented) The remote computer of claim 52 wherein said operation of receiving information includes receiving information selecting at least two of said plurality of local gaming machines for remote play.

55. (Previously Presented) The remote computer of claim 52 wherein said operation of receiving information includes receiving a gaming machine identifier.

56. (Previously Presented) The remote computer of claim 52 wherein said operation of receiving information includes receiving a gaming machine type.

57. (Previously Presented) The remote computer of claim 52 wherein said operation of receiving information includes receiving player preferences.

58. (Previously Presented) The remote computer of claim 52 wherein said selected gaming machine comprises a video poker machine including a display for displaying a poker hand.

59. (Previously Presented) The remote computer of claim 52 wherein said outcome comprises data identifying the value of said payout; and further comprising the operation of using said payout data to simulate a display of said outcome at said remote location.

60. (Previously Presented) The remote computer of claim 52 wherein said outcome comprises information identifying a reel position of said selected gaming machine; and further comprising the operation of using said outcome data to display said reel position at said remote location.

61. (Previously Presented) The remote computer of claim 52 further including the operations of: receiving a player identifier; and transmitting said player identifier for identification of said player.

62. (Previously Presented) A remote computer located outside a gaming establishment, said gaming establishment having a plurality of gaming machines linked by a gaming server, said remote computer connected to a gaming site through a global computing network served by said gaming server comprising:

means for receiving information identifying a plurality of local gaming machines each engaged in play within said gaming establishment;

means for transmitting data from said remote computer for selecting at least one of said plurality of local gaming machines for information transfer;

means for receiving a text or graphical outcome resulting from a play of said selected local gaming machines; and

for generating a payout if said outcome meets predetermined criteria.